R-1-134-92

G. R. S. IX-5]

Previous references.

1890
~~191~~ .
(LR.)

File No. 17-1890.

Serial Nos. 1-7.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

Major ~~Part~~ B for

SUBJECT.

Tope between the Savar lines and the Savar parade ground asked for by the military department

10

Memo:

Letter No. 651 of the 13th December 1890 from the Deputy Commissioner of the Bangalore District.

In his letter No. 308 of the 19th June 1890 to the address of the Deputy Commissioner of the Bangalore District (Copy ~~enclosed~~ filed with the Vernacular papers) the Military Secretary stated that if the Tope between the Sowar Lines and the Pandde ground, which has for years been in a most neglected condition were handed over to the

Military authorities, he would propose to build a Dispensary and Hanumanthraya Temple and keep the place tidy, as at present, it is an eye-sore to the public.

2. The Deputy Commr accordingly recommended × the acquisition of the land applied for by the Military Secretary and stated that at the time of the Survey Settlement it was clearly remarked ⊗ that the Tope should be given up to Government whenever required, without any claim for compensation.

× Vide letter No 296 of the 5th July 1890.

⊗ In the Sanad Fysal Patrick.

3. In this office letter No 4428/64 of the 2nd August 1890, the Superintendent, Revenue Survey, was requested to report

doubts at the time, he took care not to confer such rights, as an outcome of the settlement, as would put the occupants in a stronger position than they were before.

5. The Deputy Commr of the Bangalore District was thereupon † requested to report since how long the occupants of Survey No. 52 have been paying assessment on the land and whether they were making payments prior to the Survey settlement & if so, for how many years. He was also requested to obtain and submit

† Letter No. 7051/310 dt 13th Septr/90.

any vouchers which the occupants might possess in support of their allegation of payment of assessment, and to forward any records available in his own office on the point, explaining as to how Survey No. 52 is now treated as No. 49.

6. In submitting certain Survey accounts, and a statement shewing how the land in question has been described in the accounts of several years, the Deputy Commr. endorses the Amildar's report that no assessment was being paid on the land prior to the Survey

7th Dec 18 Qpos

Remark of the Survey Dept, is there any thing to shew that the Tope was a Public Tope & not a private one.—

26/10/92

paying assessment on the land, except in the case of a portion of the tope held by Chikkanna for which an assessment of 7½ Fanams is shewn in the Soovanadaye Patti of the year 1825-26, tho' the accounts of subsequent years do not shew that any assessment was recovered even upon this portion of the land.

Submitted for orders. with the petition of from Mestri Hanmiah. who solicits permissi to build two Bungal on the land in que

[redacted]

P70

Is this within the limit in the old bundobast prohibited? See Notifn ~~regarding~~ just passed?

Rev. June 26/17

8. As defined by Notifn No. 769 R755 dated 2nd July 1892 the boundary line within which the erection of buildings and excavation of wells &c are prohibited is as follows.

"From the Police Station near Yellahanka gate of the city along the Petta road up to the CXIII station boundary stone XII and thence along the CX station boundary passing along portion of the Pete, St. Marks and Sidney Roads up to CXIII station boundary stone XV, from CX station boundary stone XV along Sidney Road to the Cenotaph near the Salem gate of the city and from the Cenotaph to the police station near the Yellahanka gate of

[redacted] Madras Railway

[redacted] the Palace South

gate along the Madras Railway boundary to where it meets Miller's road, thence along Miller's road to where it meets Cunningham Road thence along Cunningham road to where it meets the avenue road and thence along the avenue road to the Madras Railway Level crossing at the Palace South gate"

Notification of the Govt of India no 13 of 23d apl/68 published with the above confines itself to the ground within High ground Police station, Dutt Stores, and the Police station at Jamnicherry limits.

9. Thus it will be seen that the land in question, ~~is said to be~~, is not within the above boundary limits.

Submitted for orders.

28/7

Sd/- [illegible]
(Rev) [illegible]
Order [illegible]

[redacted]

[illegible]

Memo: for orders

[illegible]

[illegible]

8/2/21

(General Serial No. 29.)

OFFICE OF THE DEWAN OF MYSORE. 3596 26 JUL. 90 255

18 90

From The Deputy Commissioner
Section
File No.
To The Chief Secretary to the Dewan of Mysore

Dated 21st July 1890
Despatched 22nd July 1890
Received

Enclosures No. 2 pieces Mahazar & a letter

General No. 2052/310
No. 396

Subject Recommending the acquisition of land in Sy No 52 of Malenhalli village Bangalore Taluk for Military authorities

Drafted 25/7/90 Recommended as 26/7/90

I read the Canarese Proceedings and the enclosed report.

The case in question is in respect of two individuals in Asteneet Shares. They have held possession under a Pattah for long time paying assessment to Govt.

It is true there is a remark after this number in Faisal Patrika the land should be given up by the holder free of cost whenever it is required for Govt purposes.

Why and under what circumstances this entry has been made is not clear. The present holders deny that this entry was ever made known to them & that it is not binding on them. From the accounts, even prior to the survey the case appears to be a private property.

If it is required for military purposes it must be taken up under the land acquisition act on payment of compensation to the parties in possession.

A portion of the land is wanted by the Regimental Bazar for erecting a temple thereon.

Is this such public purpose as to fall to provisions of the L A act be forced?

Will Surveyor's plan be sent along with the papers?

All Surveyor's plans should invariably be submitted along with the proceedings under which this entry was made. If the case was simply pending for the acceptance of the terms intended to be imposed, the present holders deny that they were made known to them & that it is not binding on them.

26/7/90

261-71 GS

(General Serial No. 30.)

189

From

To The Survey Superintendent

Dated 2 July 1890

Despatched August.

Received

Enclosures No.

General No. 14428

No. 164

Sir,

I have the hope between the Power lines and the Parade Ground (Survey No. 52 of Malleshwally, Bangalore Taluk) ~~[illegible]~~ as required by the Military Department. From the Vernacular papers received from the Dy Comr it would appear that the tope is in the possession of two individuals in distinct shares; and that in the Lavani Faisal Patrika a remark is made

against this member
to the effect that it
should be given up by the
holder free of cost whenever
it may be required for Govt.
purposes. I am to request
that you will be good
enough to report fully
the circumstances under
which this remark was
made. If the tope was
private property and in
the occupation of the two
individuals referred to,
the Offg Dewan wishes to know
~~Lee to~~ Why such a
condition was inserted.

I have &c

Sd

Under Secy

Offg
29/7

No. 347

Survey Suptt's Office
Bangalore 26th August 1890

To,

The Chief Secretary to the
Government of Mysore

Sir,

I have the honor, in reply to your letter No. 3428/64 of the 2nd Instant to state the following particulars regarding the disposal of Survey No. 52 of Mallenhalli village Bangalore Taluk during the Settlement.

2 The Pot Pahani of Survey No. 52, which was also one of the Survey Numbers submitted to test by the Amildar, showed that the Maji Nos were 65 and 66. Maji No. 65 was returned as held partly by

by Chikka and partly by Annaya

Maji No. 66 was shewn as held by

Balaya Naik. There was no assess=

ment recorded against these Maji

Numbers but they were declared

to have been always in the possession

of the occupants named. Under

the circumstances I did not consider

that the occupants should have

anything more than the rights

which they had hitherto enjoyed and

the trees, being of the nature of

a Tope, were protected by the

Survey Rules. It was the fault

of the Revenue Authorities (the

Pot Pahani was tested by the

Amildar) if Survey No. 52. was

wrongly

wrongly shewn as occupied at the time of settlement. I entertained doubts at the time and took care not to confer such rights, as an outcome of the settlement, as would put the occupants in a stronger position than they were before.

I have the honor to be
Sir,
Your most obedt. Servant
H. Spunt
Supt. Algoa Bay Survey

4

(General Serial No. 32.)

1890.

No. 1295

Name of Petitioner: C. Hirannaiah

Village.

Taluk. Gundlupet Patta

District. Bangalore

Date of Arri. 1-9-90

Date of Receipt. 1-9-90

Date of Disposal.

No. of Enclosures: Three.

Reminder to the Dy Comr. Bangalore O. call for early reply to this Office No. 705/310 dt. the 13-9-90

10/11/90 A&R.

ABSTRACT.

Praying to grant permission to build two Bungalows on his land situated at Mallanhalli village of the Halsur Hobli bearing old number 52 and Survey No 49 at a Cost of 6000 Rupees

32

30-9-90

1-9-90

From To D.C Bangalore D.C 296 dated 25 July 90

1295

The Chief Secretary to the Dewan of Mysore

The humble petition of C. Kanoomiah Chetty residing at Goodoomaypana Otta Bangalore

Respectfully sheweth:-

That the petitioner on the 23rd June 1890 applied to the Bangalore Taluk Amildar for permission to build two Bungalows at a Cost of 5 or 6000 Rupees on his land situated at Halenhully village of the Yelsoor Hobli bearing old no 52 and survey no 49.

That of the said survey no 49 which consists of 1 acre and 10 goontas the petitioner purchased 17 goontas from one Thimmiah for Rs 1000/- and 33 goontas of lands were transferred to him by one Anniah and that the last mentioned plot of land has been in his possession and Enjoyment for upwards 15 years over which he has spent about 2000 Rupees.

That the petitioner further begs to state that he has in readiness materials to the value of 2000 Rupees for building the said Bungalows.

That subsequent to the petitioners'

application for permission to build the bungalows, the Amildar sent for the petitioner and asked him to make over the said land to Government as it was required for the construction of a Military Hospital and intimated to the petitioner on the authority of the Shyanl Patrika prepared at the time of survey and settlement that no compensation would be awarded to the petitioner as under its terms none such was awardable to the occupants if it was required for purposes of state and that he was further told that a reference had been made regarding this to the Deputy Comm

That on the petitioner making inquiries at the Deputy Commissioner's Office, he was informed that his case had been referred to the Dewan for orders.

That the petitioner humbly begs to submit that the shara appearing in the Shyanl Patrika referred to above was made without the knowledge and consent of the then occupants of the land and it is not binding on the petitioner who derived his title from them and further it is opposed to reason and to laws relating to the acquisition of land by the State.

The petitioner was not aware of Government having any right to take away from him the lands in question without payment of reasonable compensation until it was made known to him by the Amildar and he does not know under what circumstances the said entry was made in the Shyanl Patrika and there is no mention of any such condition in the Pattah granted to the occupants of the land.

No 35-9 D / 25-5-57
from D to Bangalore

He therefore begs that your Honor will be pleased to peruse the records in the case and permit him to build the Bungalows as otherwise he will be put to an immense loss.

The petitioner encloses for information a translation of a statement of the Survey Department of 1871-72 shewing the names of individuals who held the said land before the survey and settlement and also translation of a putta shewing the amount of Kunomgeera assessed thereon in the year Sarvajith (66 Varsha) and also a Khatawar Puttrika.

C. Hanoomiah Naidoo

Bangalore
1st September
1890

Statement shewing the names of individuals who held land No 52 in 1871-72 in the village of Malenhully Alsoor Hobli Bangalore Taluk

Name of individual	Dry land				Garden land			wet land			Total		Remarks
	Reserve Survey No.	Acre + Goontas	Rate	Amount of Kundayem	Acre + Goontas	Rate	Amount of Kundayem	Acre	Rate	Amount of Kundayem	Acre	Amount of Kundayem	
2	3	4	5	6	7	8	9	10	11	12	13	14	15
Balappa naika's Tope planted for charitable purpose	52	Goontas as 15	13	4 as	"	"	"	"	"	"	15	4	Bundrapput agree to the Tope being in the name of Balappa naik. Agrees to pay Kundayem
Dhoby Annials Tope — Do —		Goontas 33	13	12 as	"	"	"	"	"	"	33	12	Agree to pay Kundayem
Chikka's Tope near Bale gate — Do —		Goontas 17	13	4 as	"	"	"	"	"	"	17	4	Chikka having died 20 years ago, patta transferred to his son Thimmiah - agrees to pay Kundayem.
Total		Acres 1.25	13	Rs 1-4-							Acres 1.25	Rs. as 1.4.0	

The amount of Kundayem to be levied on annich has been levied on Chikka and vice versa. This should be looked into by the Amildar

Copy

C. Hanumaiah Naisky

4 1/2

Kandayam Patta for the year Sarvajita (66 years ago) month Vysakha - of Tope planted for charitable purpose - in the village of Malenhalli - Ulsoor Hobli Bangalore Taluk -

Tope & flower garden of Annappa naika for charitable purpose - formerly vacant site.

15 yards - from north to south.
62 yards from East to West.

930 square yards.

To the south of this Kolkara Chickkas Mango Tope & flower garden -

73 yards from East to West
102 yards from north to south.

7446 square yards. Kandayam 2 1/2 Pallum

To the East of the above there is a new garden.

89 from North to south
110 from East to West

97[illegible] square yards Kandayam 5 Pallum

17236 yards Total.

The total amount of Kandayam viz 7 1/2 Pallums has been included in the Sooranandaya Patta.

Copy C. Hanumiah Naicky

5/2

No 705 F
310 16 90

To

The Deputy Commissioner
Bangalore District.

Sir.

With reference to your letter No 296 of the 5th July 1890 recommending the acquisition of land Survey No 52 of the Malenahalli Village in the Bangalore Taluk for Military purposes.

I am directed to forward herewith copies of the marginally noted letters between this Office and the Superintendent, Revenue Survey, and to observe that

1. Letter No 4428/64 of the 2nd August 1890 to the Supdt. Revenue Survey.
2. Letter No 347 of the 26th August 1890 from the Survey Supdt.

that it is not clear
from the proceedings
since how long the
occupants of Survey No 52
have been paying
assessment on the land,
and whether they were
making payments
prior to the Survey
Settlement, & if so, for
how many years. I
am therefore to request
that you will be good
enough to submit the
above information &
to call upon the Amildar
to obtain from the occupants
of the land, any vouchers
or receipts which they
may possess in support
of their allegation of
payment of assessment

and to submit the same together with any records available in his own office on the point, with the Settlement records of the Village.

2. I am also to observe that while the application of Hanmiah Mestri seeking permission to build a Bungalow describes the land as Survey No 49 (which has been treated by the Survey Department as Khandab), the land proposed to be taken up from him for Military purposes is said to be Survey No 52, and it is not clear from the remark

× No 1 Pahani Said.
No 3 Pot Pahani Book.
No 4 Jhad Patrak.
No 6 Wasul Baki —

made by the Circuldar ✓
in his report No 331 of
the 8 th July 1890 how
Survey No 52 could
have been treated as
Survey No 49. His point
requires explanation.
3. Inenclosures
of your letter under
reply are herewith
returned.

Draft for C.F.C

I have &c

A J

for. Chief Secretary.

H.D.

7

D No-651 Dy Commissioner's Office

Encly 7 and a file of Vr. Papers

Bangalore District.
Dated 13th December 1870

To

The Chief Secretary to the Dewan
of Mysore.

Sir,

With reference to Proceedings No. 705/310 dated 13th September last, calling for further particulars regarding Survey No. 52 in Madenahalli village, Bangalore Talukh, required by the Military Department, I have the honor to submit herewith, a Statement shewing how the land in question has been described in the accounts of several years.

2. It will be observed therefrom and the Amildar's report*, that no assessment was being paid on the land in question, prior to the Survey. The Avil No. and other accounts (from Parabhava 1846-47) do not shew such imposition

* Enclosed herein with Correspondence.

and recovery of assessment, except an entry of assessment in the Sooverradaya Patty of Parthiva (1825-26), in case of Chikkana Marina Tope. Further, the owners have no vouchers or receipts for having paid assessment on the land before the Survey Settlement.

3. The Survey No. 52, which remained mattered till 1884-85 was treated as No. 49 by the Survey Department, when Ackar Band and Map were rectified, owing to some of the survey Nos. of Malenahalli village having been included in subsequent years in the compound of Bungalows built thereabout.

4. Pahani Sud and other Survey accounts as per margin, are submitted for reference.

I have the honor to be
Sir,
Your most Obedient Servant,

By Commissioner

1. Pahani Sud & Chitta (2)
1. Pat Pahani Book
1. Jan Patrik
1. Pasoor Basee
1. Physoal Patrik.

/ No. 52 as entered in the accounts of several years.

t of 46-47) Assessment.	As per accounts of Lidhorti (1859-1860). No.	Extent.	Assessment.	As per Revenue Survey. No.	Extent.	Assessment.
		K-K-0-0				
	66	--1----				
					A. G.	
				52	1—25	1 4 -
	65	--5-9-8				

Dy Commissioner.

Deputy Commissioner.

Statement shewing the description of Surve

	As per Statement of Charitable Topes &c. of Sarvajeetoo (1827-28).			As per Ava number accom Parabhava (18	
	No.	Extent	Assessment.	No.	Extent.
Appana Naik's Charitable Tope	-	K-k-P. — V. — — — — 4 — 12	- - -	149	K. - K - P. V - - 1 - - - -
Kolkar Chikkan Tope	-	- - 5 - 6 - 4 as per Sooverna daya Patty of Parthiva (1825-26)	Fanams 7½	148	- - 5 - - - -

Deputy Commissioner's Office
Bangalore District
Dated 13th December 1890

11

Section LR

Read No 17-90

Correspondence ending with letter No 651 dated 13th December 1890, from the Deputy Commissioner, Bangalore District, submitting further particulars connected with Survey No 52 in Malénahalli village, Bangalore Taluk, required by the Military Department.

Order.

This correspondence originated on a representation from the Military Secretary, asking for permission to utilize for the use of the Silledar Cavalry, certain land adjoining the Silledar

No 6055-6 / R.D. 134-92 dt. 25-10-92

1st Nov.

Sillidar lines at Bangalore and which he believes to be Govt. property. ~~Whether~~ the land is or is not Govt property, Govt is not now prepared to decide by an executive order. The Deputy Commissioner should decide the question in due course, and if the land be finally decided to be Government property, there will be no objection to the Military Secretary utilising it ~~as proposed~~.

2. It is evident from the correspondence that rightly or wrongly, the

the land is now in the occupation of private individuals, ~~and that~~ ~~in any case, it is not~~ Government property, and that if it be required for Government, it should be paid for, the value being paid to the present occupants of the land, if the land be theirs or devoted to a similar charitable purpose if the land be public property. The Military Secretary will therefore ~~ill~~ decide whether ~~whether~~ ~~it~~ it is absolutely required for State purposes, and if required, he should take steps with the sanction of

who are paying assessment on it, & there is nothing to show that it was ever.

A remark of the owner dept that the land should be given up when required by Govt is not based on any order of Govt or entry in the previous accounts ~~of possession & it cannot be acted~~ effect cannot be given to it. — The Military dept were therefore informed that the request cannot be complied with, unless the land is urgently required for Govt purposes in which case it will become to be acquired under the Land acquisition Act.

that it should be purchased

of Government for the Deputy Commr. taking action under the Land Acquisition Act.

Chf Secy.

To

The Deputy Commr:
Bangalore Distt.

The Mily Secy: to
H. H. the Maharaja
of Mysore.

Vernacular Patwas (2 folios) returned to Dy Commr: with this office letter No. R. 4381 dated 29th Dec 1909